



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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May 2, 2022

**BY ECF**

Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Stevenson v. Carter, et al.*, 21-cv-9041 (RA)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to the defense of the above-referenced matter on behalf of Defendants Carter, Guerra, and Horton. Plaintiff, who was released from jail on March 2, 2022, alleges a violation of his constitutional rights based on the conditions of his confinement at the Vernon C. Bain Center ("VCBC").

Given Plaintiff's failure to provide the Court or this Office with his current address, I write to respectfully request a 45-day extension of time, from May 2, 2022 until June 16, 2022, for Defendants to respond to the Complaint to allow this Office to obtain Plaintiff's last known address prior to expending the resources on motion practice. This is the second request for an extension of time to respond to the Complaint. Because Plaintiff has failed to provide his current contact information, the instant request is made directly to the Court.

By way of background, by Order dated April 26, 2022 (Dkt. No. 14), the Court advised that its April 8, 2022 Order, which was mailed to Plaintiff at the address on file, was returned to sender. The Court further stated that "[o]n his initial complaint form, Plaintiff was warned that 'failure to keep a current address on file with the Clerk's Office may result in the dismissal of [his] case.' Dkt. 3 at 7." The Court ordered that "[i]n light of Plaintiff's *pro se* status, however, counsel for Defendants is directed to obtain Plaintiff's contact information from the New York City Department of Correction ["DOC"] and mail a copy of this order and the Court's April 8, 2022 order to Plaintiff." Finally, the Court directed that "[i]n the event that service cannot be effectuated, Defendants shall inform the Court by filing a letter via ECF on or before May 27, 2022."

According to DOC records, Plaintiff was released from DOC custody approximately two months ago, on March 2, 2022, but he has failed to provide his current address. And pursuant to the Court's Order, I have requested from the DOC Plaintiff's last known address, and once I receive it, will forward the Court's Orders and the instant letter to that address.

In response to the Complaint, Defendants intend to serve and file a motion to dismiss for failure to exhaust administrative remedies and for failure to state a claim. The reason for the requested extension is to allow this Office to obtain Plaintiff's last known address prior to serving and filing motion papers that Plaintiff likely will not receive. Although the requested 45-day extension is somewhat lengthy, it will enable this Office to send to Plaintiff the Court's most recent Orders of April 26, 2022 and April 8, 2022, and afford Plaintiff the opportunity to confirm his address with this Office and with the Court. In the alternative, should Plaintiff fail to respond to Defendants' forthcoming correspondence or to provide the Court with a current address, the enlargement of time will allow Defendants to request by letter motion that the Court dismiss the case for Plaintiff's failure to prosecute, prior to Defendants' expending the resources on formal motion practice by motion to dismiss.

Accordingly, Defendants respectfully request that the Court grant an extension of time, until June 16, 2022, to respond to the Complaint.

I thank the Court for its consideration of this request.

Respectfully submitted,


/s/  
Philip S. Frank  
Assistant Corporation Counsel

**By First Class Mail**

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B&C: 5412100191  
Anna M. Kross Center  
18-18 Hazen Street  
East Elmhurst, NY 11370

Application granted. Defendants shall  
have until June 16, 2022 to respond to the  
complaint.

SO ORDERED.

  
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Hon. Ronnie Abrams  
5/4/22